

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON AGRICULTURE**

**Call to Order:** By **CHAIRMAN DIANE RICE**, on January 7, 2003 at 3 P.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Verdell Jackson, Vice Chairman (R)  
Rep. Ralph Lenhart, Vice Chairman (D)  
Rep. Joan Andersen (R)  
Rep. Norman Ballantyne (D)  
Rep. Bob Bergren (D)  
Rep. Norma Bixby (D)  
Rep. Carol Lambert (R)  
Rep. Bruce Malcolm (R)  
Rep. Jim Peterson (R)  
Rep. Brennan Ryan (D)  
Rep. Veronica Small-Eastman (D)  
Rep. Frank Smith (D)  
Rep. Donald Steinbeisser (R)  
Rep. Bill Thomas (R)  
Rep. Karl Waitschies (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Lisa Gallagher, Committee Secretary  
Krista Lee Evans, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 62, 1/7/2003; HB 128,  
1/7/2003

Executive Action: none

HEARING ON HB 62

**Sponsor:** Representative Larry Lehman, HD 87, Power

**Opening Statement by Sponsor:**

*{Tape: 1; Side: A; Approx. Time Counter: 3.4}*

Representative Larry Lehman, HD 87, Power submitted his written testimony. **EXHIBIT**(agh02a01) Rep. Lehman proposed an amendment HB 62 that would amend the definition of pest. **EXHIBIT**(agh02a02)

**Proponents' Testimony:**

Ralph Peck, Director of the Montana Department of Agriculture, submitted written testimony. **EXHIBIT**(agh02a03)

Mark Jensen, Montana State Beekeepers Association, stated that he concurred with Rep. Lehman and Director Peck. This bill is important for beekeepers to maintain their locations from others who have unregistered locations in other states.

Bill Mitchell, Mitchell Brothers Honey, Missoula, stated that he supported this bill.

Chris Christiaens, Montana Farmers Union, stated that he also supported this bill.

Burt Wustner, Bert's Bees, stated that he is a beekeeper and has had to buy bee outfits. He has had to pay for locations and registrations, and when he would like to retire, it is important to say they are registered locations.

**Questions from Committee Members and Responses:**

Rep. Waitschies asked Director Peck, what the Department of Agriculture does in support of beekeeping with these funds. Director Peck stated that the Department of Agriculture registers these locations and works with the beekeepers to prevent the spreading of disease. Honey producers can come to the Department of Agriculture to check out registered locations.

*{Tape: 1; Side: A; Approx. Time Counter: 13.3}*

Rep. Waitschies asked Director Peck, if these fees are for the department or if they are for preventative measures. Director Peck, said that they are for both.

**Rep. Lambert** asked **Director Peck**, what measures can be taken to keep the Africanized bee out of Montana. **Director Peck** said that they are monitoring the movement of these bees with other states, and if they come into Montana they will remove and destroy them.

**Closing by Sponsor:**

**Rep. Lehman** stated that he would like this bill to pass unanimously.

**HEARING ON HB 128**

**Sponsor:** Representative Diane Rice, HD 33, Harrison

**Opening Statement by Sponsor:**

*{Tape: 1; Side: A; Approx. Time Counter: 16.4}*

**Rep. Rice** said this bill will create a \$10 million noxious weed trust fund, that already exists but it will make this fund inviolate. It will create a trust fund that will require a 3/4 vote of both houses of the legislature. This fund has existed since 1985 and at this time there is \$4.7 million in it. The Department of Agriculture is currently using the interest of this money to fight noxious weeds. There is a lot of support for this constitutional amendment.

**EXHIBIT** (agh02a04), **EXHIBIT** (agh02a05), **EXHIBIT** (agh02a06),  
**EXHIBIT** (agh02a07), **EXHIBIT** (agh02a08), **EXHIBIT** (agh02a09), **EXHIBIT** (agh02a10), **EXHIBIT** (agh02a11),  
**EXHIBIT** (agh02a12), **EXHIBIT** (agh02a13), **EXHIBIT** (agh02a14), **EXHIBIT** (agh02a15), **EXHIBIT** (agh02a16),  
**EXHIBIT** (agh02a17), **EXHIBIT** (agh02a18), **EXHIBIT** (agh02a19)

**Proponents' Testimony:**

**Rep. Ron Devlin, HD 3, Terry**, is a co-sponsor of this bill and said that in his own county they have a tri-county weed district that uses some of this money. By making this an inviolate trust it will ensure that the money to fight weeds will continue.

**Ralph Peck, Director of the Department of Agriculture**, stated that they are in support of this bill.

**Harold Blattie, Montana Association of Counties**, said that they are in strong support of this bill.

**Bob Gilbert, Rosebud County,** stated that this needs to be made inviolate so that the money will be there, and that they are in support of this bill.

**Dave Schulz, Madison County Commissioner,** stated that he has utilized this program and has recognized the need for this fund, and encourages your support. **EXHIBIT**(agh02a20)

**John Moodry, Butte Silver Bow County,** said that Butte has been a recipient of the fund dollars since 1985, and without these funds Butte would have never been able to get started.

**Kelly Leo, Madison County,** said that this program has brought lots of money into Madison County and this is money that is going into the ground. **EXHIBIT**(agh02a21)

**{Tape: 1; Side: A; Approx. Time Counter: 25.9}**

**Jim Freeman, Cascade County,** said that this is the best program in the country. This fund has helped educate people about noxious weeds and get rid of them. It helps support noxious weed management in Montana.

**{Tape: 1; Side: A; Approx. Time Counter: 27.1}**

**Garth Haugland, Beaverhead County,** said that noxious weeds are the biggest problem in the state of Montana and he supports this bill. We cannot afford to skip a year in noxious weed management.

**{Tape: 1; Side: B; Approx. Time Counter: 0}**

**Barry Rice, Rancher,** said that he has worked with noxious weeds and we need to keep this program running so that the management of these weeds will not go downhill. This fund will be the only help to counties in the time of economic depression.

**Jason Smith, Powell County,** stated that Powell County has been a recipient of these funds and has helped tremendously. This trust fund is important to protect, and this has helped a number of small businesses in Powell County. He concurs and supports this bill.

**Nancy Schlepp, Montana Farm Bureau,** said that they rise in support of this bill.

**{Tape: 1; Side: B; Approx. Time Counter: 2.9}**

**John Bloomquist, Montana Stock Growers Association,** said that they support this bill as well.

**Bob Stephens, Montana Grain Growers Association,** said that they were in support of this bill.

**John Semple, Association of Montana Aerial Applicators, Montana Cattle Women, Montana Wool Growers, Montana Dairy Association,** stated that they were in support of this bill.

**Chris Christiaens, Montana Stock Growers Association,** said that they are in support of this bill.

**Questions from Committee Members and Responses:**

**Rep. Lambert** asked **Rep. Rice**, if the money came from the mill levy to start with. **Rep. Rice** stated that there has been a various number of sources for this fund. There is an extensive history of where the money has come from, beginning in 1985.

**Rep. Lambert** asked **Rep. Rice** if the money was enough to do what needs to be done with these weeds. **Rep. Rice** replied that eventually it will be, because it allows for a soft cap, which means that everything above the \$10 million will be used for weed management.

***{Tape: 1; Side: B; Approx. Time Counter: 8.3}***

**Rep. Waitschies** asked **Director Peck**, what the economic impact of noxious weeds will be. **Director Peck** replied that weeds displace grass and they are a big environmental issue, especially nap weed. They cause problems with forage and run off. He said that they also fight another weed called leafy spurge. The funds are used to fight these weeds and also research into these weeds. He said that they are trying to preserve our natural resources. This money is not enough but it is the best that we can do for now.

**Rep. Lambert** asked **Director Peck**, if any counties in eastern Montana do not have nap weed. **Director Peck** replied that probably all of them do, but we want to keep it down.

**Rep. Petersen** asked **Director Peck**, how the funding will get to \$10 million and when it will get there?

***{Tape: 1; Side: B; Approx. Time Counter: 12.8}***

**Director Peck** said that they are going to try and find some other sources to build this fund. Some of the current funding is from the vehicle weed tax and a settlement from a agriculture chemical lawsuit. The vehicle weed tax, and the interest from the fund go to fight noxious weeds. We would like to build this to \$10 million as soon as possible.

**Rep. Anderson** asked **Director Peck**, if any of this money goes to fighting noxious weeds on federal land. **Director Peck** said "Yes, some of our projects work with the federal government. We would like to get \$1 million from the forest service, and the bureau of land management has helped us. We wish the federal government would step up harder however, we have come along ways in ten years, but we still have along ways to go."

**Closing by Sponsor:**

***{Tape: 1; Side: B; Approx. Time Counter: 17.1}***

**Rep. Rice** stated that there is wide support for this bill. She said we all know what happens when a year of weed management is skipped in our own yards, it is maximized a lot. She said this is one of the most efficiently run government programs. She urged support of this bill because this money goes on the ground.

**ADJOURNMENT**

Adjournment: 4 P.M.

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REP. DIANE RICE, Chairman

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LISA GALLAGHER, Secretary

DR/LG

**EXHIBIT** (agh02aad)